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December 10, 2021

VIA ECF

Honorable J. Paul Oetken
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: *United States v. Andrey Kukushkin, et al.*, S3
19-CR-00725 (JPO)

Dear Judge Oetken:

We write to provide a limited response to the government's letter of December 7, 2021, and to further support Mr. Kukushkin's application to adjourn his sentencing from February 16, 2022, to April 7, 2022, along with all related PSR disclosure and sentencing submission deadlines as detailed in our letter of December 6, 2021.

First, the conflict occasioned by the current PSR disclosure and objection schedule are unrelated to the "[c]ourts being closed", but rather with scheduled vacation time (time off - the first since the trial) that cannot be changed due to scheduled school breaks and travel plans. As to the amount of work required, it is not the government's place to opine on the level of advocacy necessary. Experience and the substantial work that went into preparing the post-verdict motions submitted last night suggest that the PSR objections will be more than a "minor task". Moreover, the government seemingly ignores that the proposed schedule contemplates that its opposition to Mr. Kukushkin's motion is due on December 23, 2021, and that Mr. Kukushkin's reply is due January 13, 2022.

Second, we have no doubt Probation can produce a report according to whatever schedule the Court sets. That said, given the extensive work that was being done on Mr. Kukushkin's post-verdict motions, there are materials which remain outstanding, including various financial documents.

Third, although, the defense is not going to preview its sentencing arguments for the government, as can be gleaned from the post-verdict motions submitted on Mr. Kukushkin's

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Honorable J. Paul Oetken
United States District Judge
Southern District of New York
December 10, 2021
Page 2

behalf, we anticipate contentious litigation on matters such as the alleged offense conduct and guidelines calculations, and of course, the appropriate sentence, if any, this Court should impose.

Fourth, as to Mr. [REDACTED]
[REDACTED]
[REDACTED]. That, however, does not end the
matter. It is our understanding [REDACTED]
[REDACTED] Mr. Kukushkin for assistance. It is anticipated that this could take months.
Whether it is objections to the PSR, as to which counsel has an independent scheduling conflict,
or preparation for sentencing, Mr. Kukushkin is a critical participant in the process and his ability
to assist will be impacted. The same holds true with respect to [REDACTED]
[REDACTED]

In short, if nothing else, the defense has presented concrete reasons why the PSR disclosure deadlines should be adjourned necessarily impacting the remainder of the schedule, including sentencing. Given the record, the due process interest to Mr. Kukushkin – and to the public – as well as Mr. Kukushkin's interest in being effectively represented in his sentencing, we respectfully submit Mr. Kukushkin's application be granted and his sentencing and related deadlines be adjourned as set forth in our letter of December 6, 2021.

We thank the Court for its consideration.

Respectfully submitted,

/s/ Gerald B. Lefcourt
Gerald B. Lefcourt

cc: All counsel (via ECF)
Tandis Farrence, U.S. Probation Officer Specialist